

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

SENATE BILL 1306

AN ACT

CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 12, ARTICLE 1, ARIZONA REVISED STATUTES, TO "GENERAL PROVISIONS"; AMENDING TITLE 41, CHAPTER 12, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1702; RELATING TO PUBLIC SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

MAIN PHONE: 602-542-4331
FACSIMILE: 602-542-7601

May 20, 2005

The Honorable Ken Bennett
Senate President
Arizona State Senate
1700 West Washington Street
Phoenix, Arizona 85007

Re: Senate Bill 1306: local enforcement; federal immigration laws

Dear President Bennett:

Today I vetoed Senate Bill 1306, related to local law enforcement of federal immigration laws.

Our immigration system is broken and needs real solutions. Senate Bill 1306, however, offers no new ideas or resources to fix the system and is little more than an unfunded mandate on state and local law enforcement officers. As such, it is not a real solution to our immigration problems.

In fact, Senate Bill 1306 does not change existing law. Current law does not preclude state and local law enforcement officers from entering into agreements with federal immigration authorities to enforce federal immigration laws, if and when they are supplied with sufficient resources to do so.

The cost of training state and local law enforcement officers in immigration law enforcement, however, would be significant. The Department of Public Safety estimates its training costs alone at \$10 million and the City of Phoenix estimates its costs at \$19 million. Senate Bill 1306 fails to supply any of this funding.

If state and local law enforcement are to begin enforcing federal immigration law, Arizona needs a comprehensive immigration law enforcement strategy. I therefore intend to convene a summit later this year of sheriffs, police chiefs, Immigration and Customs Enforcement ("ICE") officials, Department of Public Safety ("DPS") personnel, and prosecutors. I will ask them to address our immigration law enforcement issues and ways that state and local government can contribute to solutions. This summit will focus not only on the resources our state and local law enforcement officers will need to be

The Honorable Ken Bennett
May 20, 2005
Page Two

effective in this area, but on such important operational issues as ways to encourage ICE officials to timely respond when they are contacted by local authorities who have detained illegal immigrants, how we can efficiently transport detained illegal immigrants to facilities that have jurisdiction to detain them, and how we will continue to pay the cost of incarcerating them.

I look forward to the results of such a summit and to having the legislature consider legislation that would properly fund a more comprehensive state and local immigration law enforcement plan.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a long horizontal flourish extending to the right.

Janet Napolitano
Governor

JN:TN/jm

cc: The Honorable Jim Weiers
The Honorable Dean Martin

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change

3 The article heading of title 41, chapter 12, article 1, Arizona Revised
4 Statutes, is changed from "DEFINITIONS" to "GENERAL PROVISIONS".

5 Sec. 2. Title 41, chapter 12, article 1, Arizona Revised Statutes, is
6 amended by adding section 41-1702, to read:

7 41-1702. Federal immigration laws; enforcement; definition

8 A. TO THE EXTENT PERMITTED BY FEDERAL LAW AND NOTWITHSTANDING ANY
9 OTHER STATE LAW, PEACE OFFICERS ARE FULLY AUTHORIZED TO INVESTIGATE,
10 APPREHEND, DETAIN OR REMOVE ALIENS IN THE UNITED STATES, INCLUDING
11 TRANSPORTING ALIENS ACROSS STATE LINES TO DETENTION CENTERS, IN THE
12 ENFORCEMENT OF THE IMMIGRATION LAWS OF THE UNITED STATES.

13 B. FOR THE PURPOSES OF THIS SECTION, "PEACE OFFICER" HAS THE SAME
14 MEANING PRESCRIBED IN SECTION 13-105.

15 Sec. 3. Legislative intent

16 It is the intent of the legislature that law enforcement agencies and
17 personnel fully comply with the provisions of section 41-1702, Arizona
18 Revised Statutes, as added by this act, to accomplish the goal of
19 supplementing the efforts of federal law enforcement agencies,
20 notwithstanding any local law enforcement policies that would otherwise
21 inhibit such compliance.

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate May 10, 2005,

ON RECONSIDERATION

by the following vote: 16 Ayes,

11 Nays, 3 Not Voting

Ken Bennett
President of the Senate

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

11th day of May, 2005

at 8:37 o'clock a. M.

Wendee Ibarra
Secretary to the Governor

Approved this _____ day of _____

_____, 20____,
VETO
at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20th day of May, 2005,

at 3:03 o'clock p. M.


Jamie K. Brewer
Secretary of State

S.B. 1306

Passed the House April 18, 2005,

by the following vote: 32 Ayes,

25 Nays, 3 Not Voting



Speaker of the House
Pro Tempore

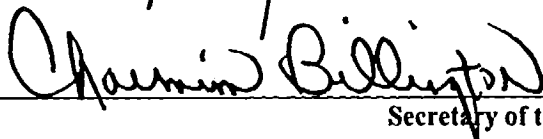

Chief Clerk of the House

Passed the Senate February 23, 2005,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1306

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State